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MKB:TK  
F.#2008R00680

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

★ MAY 11 2008 ★  
BROOKLYN OFFICE

ROSS, J.

- - - - -X

UNITED STATES OF AMERICA

I N D I C T M E N T

**GOLD, M.J.**

- against -

TOM OYE,

Defendant.

Cr. No. \_\_\_\_\_  
(T. 21, U.S.C., §§ 846,  
841(b)(1)(B)(i),  
853(p), 952(a),  
960(a)(1), 960(b)(2)(A)  
and 963; T. 18, U.S.C.,  
§§ 2 and 3551 et seq.)

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THE GRAND JURY CHARGES:

COUNT ONE

(Conspiracy to Import Heroin)

1. On or about and between March 24, 2008 and April 9, 2008, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant TOM OYE, together with others, did knowingly and intentionally conspire to import a controlled substance into the United States from a place outside thereof, which offense involved 100 grams or more of a substance containing heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 952(a).

(Title 21, United States Code, Sections 963, 960(a)(1) and 960(b)(2)(A); Title 18, United States Code, Sections 3551 et seq.)

COUNT TWO  
(Importation of Heroin)

2. On or about March 24, 2008, within the Eastern District of New York and elsewhere, the defendant TOM OYE, together with others, did knowingly and intentionally import a controlled substance into the United States from a place outside thereof, which offense involved 100 grams or more of a substance containing heroin, a Schedule I controlled substance.

(Title 21, United States Code, Sections 952(a), 960(a)(1) and 960(b)(2)(A); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT THREE  
(Conspiracy to Possess Heroin)

3. On or about and between March 24, 2008 and April 9, 2008, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant TOM OYE, together with others, did knowingly and intentionally conspire to possess with intent to distribute a controlled substance, which offense involved 100 grams or more of a substance containing heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

(Title 21, United States Code, Sections 846 and 841(b)(1)(B)(i); Title 18, United States Code, Sections 3551 et seq.)

COUNT FOUR  
(Attempt to Possess Heroin)

4. On or about and between March 24, 2008 and April 9, 2008, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant TOM OYE, together with others, did knowingly and intentionally attempt to possess with intent to distribute a controlled substance, which offense involved 100 grams or more of a substance containing heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

(Title 21, United States Code, Sections 846 and 841(b)(1)(B)(i); Title 18, United States Code, Sections 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION

5. The United States hereby gives notice to the defendant charged in Counts One through Four that, upon his conviction of any such offense, the government will seek forfeiture in accordance with Title 21, United States Code, Section 853, which requires any person convicted of such offenses to forfeit any property constituting, or derived from, proceeds obtained, directly or indirectly, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of such offenses, including but not limited to a Black Mercedes Benz, Model ML320, Vin

#24JGAB54E11A254728.

6. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third party;

(c) has been placed beyond the jurisdiction of the court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of such defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 21, United States Code, Section 853(p))

A TRUE BILL

\_\_\_\_\_  
FOREPERSON

\_\_\_\_\_  
BENTON J. CAMPBELL  
UNITED STATES ATTORNEY  
EASTERN DISTRICT OF NEW YORK

BY: Paul Shoen  
ACTING UNITED STATES ATTORNEY  
PURSUANT TO 28 C.F.R. Q.136

No.

**UNITED STATES DISTRICT COURT**

*EASTERN District of NEW YORK*

**CRIMINAL DIVISION**

**THE UNITED STATES OF AMERICA**

vs.

*Tom Oye,*

Defendant.

**INDICTMENT**

(T. 21, U.S.C., §§ 846, 841(b)(1)(B)(i), 853(p), 952(a), 960(a)(1), 960(b)(2)(A) and 963; T. 18, U.S.C., §§ 2 and 3551 et seq.)

*A true bill.*

*Foreman*

Filed in open court this \_\_\_\_\_ day,

of \_\_\_\_\_ A.D. 20 \_\_\_\_\_

*Clerk*

Bail, \$ \_\_\_\_\_

*Todd Kaminsky, Assistant U.S. Attorney (718-254-6367)*